

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 7/28/2018 10:53:27 PM
To: Bunker, Byron [bunker.byron@epa.gov]
CC: Juston Smithers [juston.smithers@44energytech.com]
Subject: German article
Attachments: German newspaper article copy.pdf; PastedGraphic-1.tiff

Byron:

We came across two articles (see attached) on Friday, that we had not seen before. It is interesting because they are from late May, so I'm not sure how we missed it.

Can you let us know if the comments by Chris Grundler are accurate regarding EPA's position on BMW diesel vehicle emissions?

Thanks,

Brad

<https://www.wiwo.de/unternehmen/auto/us-umweltbehoerde-epa-gruenes-licht-in-den-usa-fuer-bmw-/22604294.html>

US ENVIRONMENTAL PROTECTION AGENCY **EPA Greenlight in the US for BMW**

by Martin Seiwert
May 25, 2018



The US authority EPA has so far found no evidence of manipulation at BMW.
Picture: AP

BMW has beaten only moderately in the exhaust gas scandal so far. Again and again there were allegations, BMW had to admit software errors - but no manipulation. Now comes support from unfamiliar side - the US authority EPA.

The top US Environmental Protection Agency (EPA) has cleared BMW of the suspicion of illegally manipulating the exhaust technology of the models sold in the US. "We examined the BMW products very thoroughly and found no evidence of fraud," EPO Director Christopher Grundler, responsible for Transportation and Emissions, said in an interview with WirtschaftsWoche and Handelsblatt. However, Grundler explicitly referred only to the US models of BMW, which can be structurally different from the European models: "I know that the situation in Europe is very different."

In Germany, the Public Prosecutor's Office Munich and the Federal Motor Transport Authority (KBA) suspect that BMW has used illegal exhaust technology. BMW contradicts a deliberate manipulation and speaks of an accidentally loaded engine control software.

On March 27, starred US lawyer Steve Berman (Hagens Berman law firm in Seattle) filed a civil suit against BMW. "BMW cheats, as well as VW has cheated," said Berman the WirtschaftsWoche. In his complaint, which is the WirtschaftsWoche, he speaks of measurements on a used BMW off-road vehicle

X5 from 2012, which was carried out by the office of exhaust experts. The vehicle can detect if it is not an exhaust test and then regulate the emission control down. Result: "The software manipulation results in emissions ranging from three times the limit (highway) to 8.5 times (city)." Measured peak values are 20 times for highway driving and 27 times for city driving.

EPO Director Grundler said attorney Berman certainly did not have the expertise and laboratory technology available to the EPO. He was aware that there were companies that took such measurements for lawyers who often did not work at a high level: "We call them two men and a PEMS". A Portable Emissions Measurement System (PEMS) is a portable meter.

The EPA, together with the Californian environmental authority CARB, has uncovered the VW emissions scandal. The EPA continues to see large deficits in compliance and corporate culture at VW. Daimler is having conciliation with Daimler regarding the suspicion of illegal exhaust gas technology.

On Thursday it was announced that the KBA also found illegal exhaust gas technology at Daimler. Daimler considers the evaluations of the KBA legally wrong: The two software functions complained of by the KBA would have no influence on the result of the Nefz test, but would serve only the longevity of the engine - and would be therefore not illegal, thus the legal opinion of the corporation. If necessary, they wanted to clarify the court, said Daimler.

The fact that BMW has nothing to fear from the EPA has not been publicly known - but it may not have been completely new for the BMW top. Because, according to information from the WirtschaftsWoche on 17 March 2017 had a meeting with the head of the EPA, Scott Pruitt. From 8:30 to 9:15 he received BMW boss Harald Krüger, BMW communications chief Maximilian Schöberl and two BMW lobbyists in his office in Washington. What were the topics discussed is not known.

Critical exhaust gas measurements should not have been more likely. Because the EPO responsible for the measurements, Grundler, was not present.

Bradley L. Edgar, Ph.D.
CEO

44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608